

State of Minnesota

County of _____

District Court

Judicial District: _____

Court File Number: _____

Case Type: Harassment

**Order on Petition for
Harassment Restraining Order**
(Minn. Stat. §609.748)

Petitioner

vs.

Respondent

Based upon Petitioner's Affidavit and Petition for a Harassment Restraining Order and other information provided to the Court, THE COURT FINDS:

☐ The petition has no merit and the matter should be **dismissed**.

There ☐ is ☐ is not an immediate and present danger of harassment to justify temporary relief.

☐ There are reasonable grounds to believe that Respondent has harassed Petitioner (or minor children included in the petition) as follows:

- ☐ Physically or sexually assaulted the Petitioner;
- ☐ Followed, pursued or stalked the Petitioner;
- ☐ Made uninvited visits to the Petitioner;
- ☐ Made harassing phone calls to the Petitioner;
- ☐ Made threats to the Petitioner;
- ☐ Frightened Petitioner with threatening behavior;
- ☐ Broke into and entered the Petitioner's residence;
- ☐ Damaged the Petitioner's property;
- ☐ Stole property from the Petitioner;
- ☐ Took pictures of the Petitioner without permission of the Petitioner;
- ☐ Did acts repeatedly that meet the legal definition of "targeted residential picketing";
- ☐ Pattern of attending public events after being notified that Respondent's presence at the events is harassing to Petitioner;
- ☐ Other: _____

☐ The harassment has or is intended to have a substantial adverse effect on Petitioner's safety, security, or privacy.

☐ Petitioner requested a court hearing.

IT IS ORDERED:

1. ☐ **The case is dismissed** because the Petition lacks merit.
2. ☐ **The request for temporary relief is denied** because the petition fails to allege an immediate and present danger of harassment.

3. ☐ **The request for temporary relief is granted** and:

☐ Respondent shall not harass ☐ Petitioner ☐ Petitioner's minor child/ren or ward(s).

The minor child/ren or wards included in this Petition are: _____

☐ Respondent shall have no contact with ☐ Petitioner ☐ Petitioner's minor child/ren or ward(s).

☐ Respondent shall stay away from Petitioner's home at: (address) _____

☐ Respondent shall stay away from Petitioner's job site at: (address) _____

☐ Other: _____

NOTICE

The following conduct is a violation of this order if an Order For Relief is granted: Any contact with the protected person(s), direct or indirect, any visits to or phone calls to the protected person(s), threats or assaultive behavior to the protected person(s), damaging or stealing property belonging to the protected person(s), breaking into and entering the Petitioner's or minor child's residence, taking pictures of a protected person without permission of the Petitioner, and _____

4. ☐ This Restraining Order is in effect until _____ unless changed by a later court order. Respondent can ask the court to change or vacate the Restraining Order by filing a *Request for Hearing* within 45 days of the date of this Order.

5. ☐ **A hearing will be held** on (date) _____ at _____ .m at (address) _____. The hearing is scheduled because: ☐ Petitioner requested a hearing ☐ Petitioner requested a restraining order for longer than 2 years and the court wants more information about the need for a longer restraining order ☐ Other _____

Respondent shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted. Petitioner shall appear personally in Court for the hearing and provide proof that the statements in the Petition are true and that Respondent's actions are harassment.

6. The Court Administrator shall send a copy of this Order to the following law enforcement agencies: _____ County Sheriff's Department and _____ Police Department which have authority over the residence of the Petitioner(s). **Every police department and sheriff's office in Minnesota is responsible for enforcing this order.**

7. If respondent is an organization, this order ☐shall ☐shall not apply to all members of the organization.

8. Other: _____

9. The sheriff of any county in this state shall perform the duties relating to service of this Order without charge to the petitioner.

10. It is not a violation of this order if the parties pursue or participate in voluntary mediation through court approved mediation programs. The party wanting to mediate must contact the mediation program directly to arrange it. He/she may not contact the other party directly or through friends or relatives. The mediation programs will determine if mediation is acceptable under Minnesota mediation guidelines (MN Stat 494.03 and MN Rule of Court, General Rules of Practice, Rule 114.)

Notices

If a hearing is scheduled and respondent does not attend the hearing, a Harassment Restraining Order may be granted. Failure of respondent to appear WILL NOT be a defense to criminal charges against respondent for violation of any part of this Order. If petitioner does not attend the hearing this case may be dismissed.

A police officer shall arrest respondent without warrant and take her/him to jail if a police officer believes that respondent has violated this Restraining Order, and shall hold respondent in jail for at least 36 hours, excluding the day of arrest, Sundays, and legal holidays, unless the respondent is released earlier by a judge or judicial officer.

Violation of this Restraining Order may be treated as a misdemeanor, gross misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a \$1000.00 fine. Some repeat violations are gross misdemeanors and may result in a sentence of up to one year in jail and/or a \$3,000.00 fine. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a \$10,000 fine. A person who engages in a pattern of harassing conduct is guilty of a felony and may be sentenced to imprisonment for up to ten years and/or a fine of \$20,000.00.

Dated: _____

Judge of District Court

Distribution

_____ Certified copy or original –Return to Court Administrator with Affidavit of Service attached	
_____ Copy for Petitioner(s)	_____ Copy for Respondent(s)
_____ Copy for file until original returned	_____ Copy for local police department
_____ Copy for Sheriff	_____ Other: _____